

REMARKS

Claims 1-9 are currently pending, wherein claim 1 has been amended to even more clearly define the present invention. Favorable reconsideration is respectfully requested in view of the remarks presented herein below.

At the outset, Applicants note with appreciation the indication that claims 7 and 8 contain allowable subject matter and would be allowed if rewritten in independent form.

On page 3 of the Office action ("Action"), the Examiner rejects claims 1 and 3-5 under 35 U.S.C. § 102(b) as being anticipated by Japanese Patent Publication No. 2003-240852 to Shunpei ("Shunpei"). Applicants respectfully traverse this rejection.

In order to support a rejection under 35 U.S.C. § 102, the cited reference must teach each and every claimed element. In the present case, claims 1 and 3-5 are not anticipated by Shunpei for at least the reasons that Shunpei fails to disclose a frequency deviation detecting means as claimed.

Independent claim 1 defines a light wave radar apparatus. The apparatus includes, *inter alia*, a light emitting means for emitting a light signal; an optical guide for propagating the light signal emitted out of the light emitting means; a light transmit-receive means for emitting the light signal propagated by the optical guide and collecting scattered light; a wind velocity calculating means; and a frequency deviation detecting means for detecting a frequency deviation of the light signal due to propagation by the optical guide. Shunpei discloses a Doppler radar receiver circuit. However, nowhere in Shunpei is there any disclosure of a frequency deviation detecting means that detects the frequency deviation of the light signal due to propagation by the optical guide as claimed.

In rejecting claim 1, the Examiner asserts that Shunpei discloses a frequency deviation detecting means as claimed inasmuch as Shunpei discloses means for detected Doppler frequency. However, one skilled in the art would readily appreciate that the Doppler frequency of Shunpei is not due to propagation of the light signal by the optical guide. Accordingly, Shunpei fails to anticipate claim 1, or claims 3-5 which depend therefrom. Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1 and 3-5 under 35 U.S.C. § 102.

On page 4 of the Action, the Examiner rejects claim 2 under 35 U.S.C. § 103(a) as being unpatentable over Shunpei in view of Japanese Patent Publication No. 63-266382 to Osamu (Osamu '82) or Japanese Patent Publication No. 63-71675 to Osamu (Osamu '75). Applicants respectfully traverse this rejection.

In order to support a rejection under 35 U.S.C. §103, the Examiner must establish a *prima facie* case of obviousness. To establish a *prima facie* case of obviousness three criteria must be met. First, there must be some motivation to combine the cited references. Second, there must be a reasonable expectation of success. Finally, the combination must teach each and every claimed element. In the present case, claim 2 is not rendered unpatentable over the combination of Shunpei and Osamu '82 or Osamu '75 for at least the reason that the combinations do not teach each and every claimed element.

As discussed above with respect to claim 1, from which claim 2 depends, Shunpei fails to disclose or suggest a frequency deviation detecting means that detects the frequency deviation of the light signal due to propagation by the optical guide as claimed. Therefore, claim 2 is patentable over Shunpei for at least those reasons presented above with respect to claim 1.

Osamu '82 and Osamu '75 disclose a laser distance measuring instrument. However, neither of these two references overcome the deficiencies of Shunpei. Since Shunpei, Osamu '82, and Osamu '75 each fail to disclose or suggest a light wave radar apparatus that includes a frequency deviation detecting means that detects the frequency deviation of the light signal due to propagation by the optical guide as claimed, any combination of these three references cannot possibly disclose or suggest said element. Therefore, even if one skilled in the art were motivated to combine Shunpei, Osamu '82, and/or Osamu '75, the combination would still fail to render claim 2 unpatentable because the combination fails to disclose each and every claimed element. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 2 under 35 U.S.C. § 103.

Further on page 4 of the Action, the Examiner rejects claim 6 under 35 U.S.C. § 103(a) as being unpatentable over Shunpei in view of Japanese Patent Publication No. 4-133533 to Makato ("Makato"). Applicants respectfully traverse this rejection.

Claim 6 depends from claim 1. Therefore, claim 6 is patentable over Shunpei for at least those reasons presented above with respect to claim 1. Makato discloses an output stabilized light source. However, Makato fails to overcome the deficiencies of Makato.

Since Shunpei and Makato both fail to disclose or suggest a light wave radar apparatus that includes a frequency deviation detecting means that detects the frequency deviation of the light signal due to propagation by the optical guide as claimed, the combination of these two references cannot possibly disclose or suggest said element. Therefore, even if one skilled in the art were motivated to combine Shunpei and Makato, the combination would still fail to render claim 6 unpatentable because the combination fails to disclose each and every claimed element. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 6 under 35 U.S.C. § 103.

CONCLUSION

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Penny L. Caudle Reg. No. 46,607 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Application No. 10/575,379
Amendment dated September 15, 2008
Reply to Office Action of June 16, 2008

Docket No.: 1163-0562PUS1

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.147; particularly, extension of time fees.

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Respectfully submitted,

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